

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WAYNE GERLING,)
)
Plaintiff,)
)
vs.) Case No. 4:17-CV-02702 JAR
)
MATTHEW WAITE,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion for Reconsideration of this Court's order granting Plaintiff leave to file certain exhibits under seal, [Doc. No. 189]. (Doc. No. 191). For the following reasons, the motion will be granted in part.

On January 4, 2022, Plaintiff moved for leave to file his attorneys' itemized billing records in support of his Motion for Attorneys' Fees under seal for the Court's in camera review on the grounds that they contain information that constitutes attorney work product and/or attorney-client privilege. (Doc. No. 186). The Court granted Plaintiff's motion on January 5, 2022. (Doc. No. 189). Defendant seeks reconsideration of this order on the grounds that it prevents him from obtaining information this Court has previously held is necessary to evaluate an opposing party's request for attorneys' fees, citing Starr Indem. & Liab. Co. v. Cont'l Cement Co., No. 4:11CV809 JAR, 2012 WL 6012904, at *5 (E.D. Mo. Dec. 3, 2012). The parties subsequently met and conferred and resolved the issue, with Plaintiff agreeing to provide redacted billing records for an "attorneys' eyes only" review by Defendant's counsel. (Doc. No. 194). In light of the parties' agreement, the Court will grant Plaintiff's motion for reconsideration

in part and direct the parties to file agreed upon redacted billing statements.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion for Reconsideration [191] is **GRANTED in part.**

IT IS FURTHER ORDERED that within ten (10) days of this Order, the parties shall file the agreed upon redacted billing statements of Plaintiff's counsel with the Court.

Dated this 9th day of February, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE